

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

MARK MOOR,

*Petitioner,*

vs.

JAMES BACA, *et al.*,

*Respondents.*

3:10-cv-00401-ECR-RAM

ORDER

This habeas action comes before the Court on petitioner's application (#2) to proceed *in forma pauperis* and for initial review of the amended petition (#6) under Rule 4 of the Rules Governing Section 2254 Cases.

The pauper application will be denied as moot because the filing fee has been paid. The Court will consider the financial materials submitted with the application when considering petitioner's motion for appointment of counsel. The Court will hold the counsel motion under submission pending the completion of initial review.

Turning to initial review, under Local Rule LSR 3-1, petitioner must file the petition on the Court's required Section 2254 petition form. In the present case, petitioner in essence used the first two and last two pages of the petition form as a cover for an otherwise handwritten petition. Petitioner instead must use the Court's required form for the entirety of the petition, inserting additional pages only as permitted by the form. The Court will allow petitioner to use up to four additional pages in this case. Petitioner further may not incorporate other documents, such as the state petition, in the federal petition. He must state

1 his claims with factual specificity in the federal petition itself. He should allege factual  
2 specifics rather than legal argument.

3 The instructions on the Court's petition form additionally require that petitioner attach  
4 copies of all state court decisions regarding the conviction and sentence. Petitioner failed to  
5 do so. The Court further will direct petitioner to attach additional state court materials relevant  
6 to initial review in this case.

7 IT THEREFORE IS ORDERED that the application (#2) to proceed *in forma pauperis*  
8 is DENIED as moot.

9 IT FURTHER IS ORDERED that, within thirty (30) days of entry of this order, petitioner  
10 shall file an amended petition on the Court's required Section 2254 petition form correcting  
11 the deficiencies identified herein.

12 IT FURTHER IS ORDERED that petitioner shall clearly title the amended petition as  
13 an amended petition by placing the word "AMENDED" immediately above "Petition for a Writ  
14 of Habeas Corpus" on page 1 in the caption and shall place the docket number,  
15 3:10-cv-00401-ECR-RAM, above the word "AMENDED." Under Local Rule LR 15-1, the  
16 amended petition must be complete in itself without reference to previously filed papers.  
17 Thus, the claims and allegations that are stated in the amended petition will be the only  
18 matters remaining before the Court. Any claims or allegations that are left out of the  
19 amended petition or that are not re-alleged therein no longer will be before the Court.

20 IT FURTHER IS ORDERED that petitioner shall attach with the amended petition  
21 copies of the following: (a) the decision of the state district court on any petition or other paper  
22 filed in state district court challenging the December 2008 parole action; (b) any documents  
23 filed in the Supreme Court of Nevada presenting petitioner's claims to that court challenging  
24 the December 2008 parole action; and (c) the decision of the Supreme Court of Nevada on  
25 the claims, together with the remittitur.

26 This action will be dismissed without further advance notice if petitioner fails to both  
27 fully and timely comply with this order.

28 ///

1 The Clerk of Court shall send petitioner two copies of a noncapital Section 2254  
2 petition form with one copy of the instructions for same along with a copy of the original  
3 petition and amended petition that he submitted.

4 DATED: September 13, 2010

5  
6 Handwritten signature of Edward C. Reed in black ink.

7  
8 

---

EDWARD C. REED  
United States District Judge  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28